

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>PRESTON LEONARD ALLEN,</b>	:	<b>CIVIL ACTION NO. 3:17-CV-798</b>
	:	
<b>Plaintiff</b>	:	<b>(Chief Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>NANCY A. BERRYHILL, Acting</b>	:	
<b>Commissioner of Social Security,</b>	:	
	:	
<b>Defendant</b>	:	

**ORDER**

AND NOW, this 25th day of June, 2018, upon consideration of the report (Doc. 14) of Magistrate Judge Joseph F. Saporito, Jr., recommending the court vacate the decision of the administrative law judge denying the application of plaintiff Preston Leonard Allen (“Allen”) for disability insurance benefits and supplemental security income, and remand this matter for further proceedings, wherein Judge Saporito opines that the administrative law judge’s decision is not “supported by substantial evidence,” 42 U.S.C. § 405(g), and it appearing that neither Allen nor the Commissioner of Social Security (“Commissioner”) object to the report, see FED. R. CIV. P. 72(b)(2), and that the Commissioner expressly waived the opportunity to do so, (see Doc. 15), and the court noting that failure to timely object to a magistrate judge’s conclusions “may result in forfeiture of *de novo* review at the district court level,” Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should “afford some level of review to dispositive legal

issues raised by the report,” Henderson, 812 F.2d at 878; see also Taylor v. Comm’r of Soc. Sec., 83 F. Supp. 3d 625, 626 (M.D. Pa. 2015) (citing Univac Dental Co. v. Dentsply Int’l, Inc., 702 F. Supp. 2d 465, 469 (M.D. Pa. 2010)), in order to “satisfy itself that there is no clear error on the face of the record,” FED. R. CIV. P. 72(b), advisory committee notes, and, following review of the record, the court being in agreement with Judge Saporito’s recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. The report (Doc. 14) of Magistrate Judge Saporito is ADOPTED.
2. The Clerk of Court shall enter judgment in favor of plaintiff Preston Leonard Allen and against the Commissioner of Social Security (“Commissioner”) as set forth in the following paragraph.
3. The Commissioner’s decision is VACATED and this matter is REMANDED to the Commissioner with instructions to conduct a new administrative hearing, develop the record fully, and evaluate the evidence appropriately in accordance with this order and the report (Doc. 14) of Magistrate Judge Saporito.
4. The Clerk of Court is directed to CLOSE this case.

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania